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June 3, 2017

FOIA Officer
Environmental Protection Agency
National Headquarters
1200 Pennsylvania Avenue, NW
Environmental Protection Agency, (2822T)
Washington, DC 20460
(202) 566-1667
hq.foia@epa.gov

FOIA REQUEST

Fee benefit requested

Fee waiver requested

Dear FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request access to and copies of all EPA records described in the following paragraph:

This request is for all records (within the scope described below) related to policies for response to news media inquiries or communication with news media about EPA activities. The request includes relevant statements of policy; formal or informal directives to agency staff; instructions, and/or other communications, including communications with the Trump administration transition team; communications procedures and protocols; procedures for clearance of information, interviews, press releases, desk statements, or statements provided to news media; conditions (such as "background" ground-rules or pre-submission of questions) under which press officers or other EPA employees can speak to journalists; and requirements for permission, coordination, or inclusion of public affairs/information officers in interviews. I also request any directives for referring news media inquiries from Regional Offices to Headquarters. The request is for records in any form: paper or electronic, emails, audiovisual presentations, guidance, training materials, writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), correspondence, letters, memoranda, reports, or other record of communication. This request is for records generated by or received by the Administrator, Deputy Administrator, or immediate Office of the Administrator and other offices named below beginning November 9, 2016, and ending on the present date. The offices within the Office of Administrator specified for this request include the Office of the Executive Secretariat, the Office of Congressional and Intergovernmental Relations, Office of Executive Services, Office of Policy, Office of Regional Operations, Office of Homeland Security, and the Science Advisory Board. This request excludes records from the Office of Public Affairs, which are the subject of a separate FOIA

request.

I would like to receive the information in electronic form whenever possible.

As a representative of the news media, I am gathering information through this request on the performance of the EPA press relations apparatus in informing the news media and in responding to news media requests for information. The public deserves sufficient information about how EPA makes decisions that affect the public health, the environment, and the economic well-being of the entire country. This information is being sought on behalf of Society of Environmental Journalists — and its *WatchDog* Newsletter — for dissemination to the general public. The journalism that results from this records request will be published in SEJ's biweekly electronic newsletter, the *WatchDog*. It is published on the web and by e-mail, reaching over 1,000 subscribers, most of whom are environmental journalists.

As a representative of the news media, I am requesting a waiver of all fees under 5 U.S.C. Section 552(a)(4)(A)(iii). The information I seek is in the public interest because it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

I understand that the decision on fee waiver is a separate process from that for my FOIA request. So I ask that you initiate both processes simultaneously. In other words, please start processing the FOIA request itself as you are doing the fee-waiver request. If you disallow my fee-waiver request, I pledge to pay the price of the FOIA request up to \$250. Please notify me upon passing the \$100 and \$250 thresholds if this happens before a decision on fee-waiver request or if my fee-waiver is denied.

I believe I meet the criteria for a fee waiver recognized by the U.S. Justice Department — in its policy guidance of April 1987 — and by the federal courts, See *Project on Military Procurement v. Department of the Navy*, 710 F. Supp. 362 363, 365 (D.C.D. 1989). In the following six paragraphs, I will outline the specific qualifications by which I meet your guidelines on fee waiver requests.

1. **The subject matter of the requested records must specifically concern identifiable operations or activities of the government.** The information requested — information about the policies and procedures by which EPA conducts news media relations — is by its essential nature information about "operations or activities of the government."
2. **The disclosure should be "likely to contribute" to an understanding of government operations or activities.** The information requested will contribute to public understanding of how (and how well) EPA responds to the information needs of the press and public. Public understanding of EPA's policies and performance in the public information arena will contribute to public understanding of EPA's openness and transparency (or lack thereof) — keys to public confidence in the integrity of the agency's decisions
3. **The disclosure must contribute to the understanding of the public at large, as opposed to the requester or a narrow segment of interested persons.** The disclosures would contribute to the understanding of the "public at large," because SEJ intends to communicate key findings to the WatchDog's audience of over 1,000 journalists, who include reporters and editors for major national news media, and who are likely in turn to communicate them to their own large audiences (millions of people).

4. **The disclosure must contribute "significantly" to the public understanding of government operations.** Public confidence in the integrity of EPA's scientific findings and regulatory decisions is important. Documentation of basic press office policies and procedures — official or unofficial, written or oral — would "significantly" advance understanding, because so little is definitively known about them.

5. **The disclosure will not serve any commercial interest of the requester as an individual.** Neither the requester, the nonprofit 501(c)3 SEJ, nor the people requesting this information on its behalf, have any commercial or financial interest that would be furthered by the requested disclosure.

6. **The public interest in disclosure far outweighs commercial interest.** There is a weighty public interest in disclosure of this information, and there is no commercial interest in its disclosure.

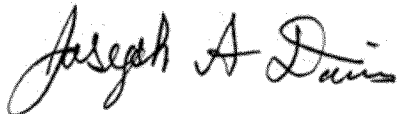
If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material.

As I am making this request as a journalist and promptness is important, I would appreciate your communicating with me by telephone (301-656-2251), or by email (JoeDavisExpress@gmail.com) rather than by mail, if you have questions.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Joseph A. Davis".

Joseph Davis, Director and Editor

Society of Environmental Journalists WatchDog Project